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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,870	08/25/2000	Hiroyuki Hara	B588-011	6789

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EXAMINER
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ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/648,870

Applicant(s)

HARA, HIROYUKI

Examiner

Pierre E. Elisca

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

1. This Office action is in response to Applicant's Amendment, filed 1/27/2003.
2. Claims 1-14 are pending.
3. The rejection to claims 1-14 under 35 U.S.C. 103 (a) as being unpatentable over Sato et al in view of Mochizuki as set forth in the Office action mailed on 10/23/2003 is maintained. See below.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-14 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Sato et al. (U.S. Pat. No. 6,108,638) in view of Mochizuki (U.S. Pat. No. 6,463,539).

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As per claims 1 and 2 Sato substantially discloses a data processing system/method which comprises a plurality of input units for registering selected products, and a processing unit connected to the plurality of input units for calculating a total price for the selected products( which is readable as Applicant's claimed invention wherein it is stated that a charge calculation), comprising:

first calculation means for calculating a charge for using application software, which creates data to be processed by an external device (see., abstract, col 4, lines 24-67, col 6, lines 6-55, fig 6, specifically wherein said calculating the total price in the operating means by reading all the PLU data of the products (products or application software. Please note that Sato also discloses Applicant newly added limitation see., fig 6, item 2A is a external device). It is to be noted that Sato fails to explicitly disclose a second calculation means for calculating a charge for using a data input/output device (data input/output or computer or calculating a charge for using a computer or device ). However, Mochizuki discloses a IC card (IC card or device or computer or processor) that includes a utilization information , and a number of judging points at where reproduction of the information is judged, and a charging information calculated from a degree of software utilization, please note that the software utilization is stored in the IC card. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the data processing of Sato by including the limitations detailed above as taught by Mochizuki because this would interrupt information that is not charged to the user.

**As per claim 3, Sato** discloses the claimed limitations, wherein said the external device comprises at least one of a printer, scanner, copying machine, server, facsimile apparatus, and external storage device (see., fig 6).

**As per claims 4, 5 and 6 Sato** substantially discloses a data processing system/method which comprises a plurality of input units for registering selected products, and a processing unit connected to the plurality of input units for calculating a total price for the selected products( which is readable as Applicant's claimed invention wherein it is stated that a charge calculation apparatus), comprising:

first calculation means for calculating a charge for using application software applied to create and/or edit data (see., abstract, col 4, lines 24-67, col 6, lines 6-55, fig 6, specifically wherein said calculating the total price in the operating means by reading all the PLU data of the products (products or application software). It is to be noted that Sato fails to explicitly disclose a second calculation means for calculating a charge for using application software to use the device (data input/output or computer or calculating a charge for using a computer or device ). However, Mochizuki discloses a IC card (IC card or device or computer or processor) that includes a utilization information , and a number of judging points at where reproduction of the information is judged, and a charging information calculated from a degree of software utilization, please note that the software utilization is stored in the IC card. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the data processing of Sato by including the limitations detailed above as taught by Mochizuki because this would interrupt information that is not charged to the user.

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**As per claims 7, 8 and 10-12 Sato** substantially discloses a data processing system/method which comprises a plurality of input units for registering selected products, and a processing unit connected to the plurality of input units for calculating a total price for the selected products( which is readable as Applicant's claimed invention wherein it is stated that a charge calculation apparatus), comprising:

first calculation step of calculating a charge for using application software, which creates data to be processed by an external device (see., abstract, col 4, lines 24-67, col 6, lines 6-55, fig 6, specifically wherein said calculating the total price in the operating means by reading all the PLU data of the products (products or application software. Please note that Sato also discloses Applicant newly added limitation see., fig 6, item 2A is a external device). It is to be noted that Sato fails to explicitly disclose a second calculation step of calculating a charge for using the external device (data input/output or computer or calculating a charge for using a computer or device). However, Mochizuki discloses a IC card (IC card or device or computer or processor) that includes a utilization information , and a number of judging points at where reproduction of the information is judged, and a charging information calculated from a degree of software utilization, please note that the software utilization is stored in the IC card. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the data processing of Sato by including the limitations detailed above as taught by Mochizuki because this would interrupt information that is not charged to the user.

**As per claim 9, Sato** discloses the claimed limitations, wherein said the external device comprises at least one of a printer, scanner, copying machine, server, facsimile apparatus, and external storage device (see., fig 6).

**As per claims 13 and 14, Sato** substantially discloses a data processing system/method which comprises a plurality of input units for registering selected products, and a processing unit connected to the plurality of input units for calculating a total price for the selected products( which is readable as Applicant's claimed invention wherein it is stated that a charge calculation apparatus), comprising:

a code of a first calculation step of calculating a charge for using application software applied to create and/or edit data (see., abstract, col 4, lines 24-67, col 6, lines 6-55, fig 6, specifically wherein said calculating the total price in the operating means by reading all the PLU data of the products (products or application software). It is to be noted that Sato fails to explicitly disclose a code of a second data calculation step of calculating a charge for using a data input/output device (data input/output or computer or calculating a charge for using a computer or device ). However, Mochizuki discloses a IC card (IC card or device or computer or processor) that includes a utilization information , and a number of judging points at where reproduction of the information is judged, and a charging information calculated from a degree of software utilization, please note that the software utilization is stored in the IC card. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the data processing of Sato by including the limitations detailed above as taught by Mochizuki because this would interrupt information that is not charged to the user.

## RESPONSE TO ARGUMENTS

6. Applicant's arguments filed on 1/27/2004 have been fully considered but they are not persuasive. Necessitated by amendment.

## REMARKS

7. In response to claims 1, 4, 7, 10, 13 and 14, Applicant argues that the prior art of record taken alone or in combination fail to anticipate or render obvious the recited feature:

a. "an external device, and the external device processes the data created by the application software". Based upon the foregoing rejection detailed above, it is believed that Sato discloses this limitation see., fig 6, item 24 is an external device for processing data.

b. "Applicant also argues that the charge amount for use of a printer is calculated at step S306, while charge amount for use of software is separately calculated at step S309. Calculation of a charge for using the reproduction". However, the examiner respectfully disagrees since this limitation is not recited in the claims. Therefore, Applicant argument is moot.

## *Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See



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MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary Patent Examiner

March 30, 2004